

ARLINGTON PUBLIC SCHOOLS

In accordance with the provisions of the Massachusetts General laws, Chapter 30A, Section 20, notice is hereby given for the following meeting of the:

***Arlington School Committee
School Committee Meeting
Tuesday, April 14, 2015
5:30 PM***

Policies & Procedures Subcommittee

*Arlington High School
School Committee Room, 6th Floor
869 Massachusetts Avenue
Arlington, MA 02476*

Open Meeting

Public Participation

Approve draft minutes 2/11/2015

Review and Update the following Policies:

- *JIC Student Conduct*
- *JK Student Discipline*
- *Family and Medical Leave*
- *Parental Leave*

New Business

Adjournment

The listings of matters are those reasonably anticipated by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Stated times and time amounts, listed in parenthesis, are the estimated amount of time for that particular agenda item. Actual times may be shorter or longer depending on the time needed to fully explore the topic.

Submitted by Judson Pierce, Chair



Town of Arlington, Massachusetts

Approve draft minutes 2/11/2015

ATTACHMENTS:

| Type | Description |
|----------------------------------|--------------------------------------|
| <input type="checkbox"/> Minutes | draft minutes 2 11 2015 for approval |

Policies and Procedures Subcommittee, Arlington School Committee

School Committee Room – February 11, 2015 –7:30 p.m.

Draft Minutes

In Attendance:

| | |
|-----------------------|--|
| Subcommittee Members: | Judson L. Pierce-Chair |
| | Jeffrey Thielman |
| | Paul Schlichtman |
| Administration: | Kathleen Bodie, Superintendent |
| | Robert Spiegel, Human Resources Director |

The meeting was called to order at 7:30pm.

Minutes from the 11/12/14 meeting were approved unanimously on a Motion by Mr. Thielman, seconded by Mr. Schlichtman.

The subcommittee discussed File GCCC concerning FMLA and discussed paternity leave. It was noted that File GCCC is not current because the FMLA was amended a few years ago regarding injuries in military service. Mr. Spiegel informed the subcommittee that past practice is up to two weeks paid sick time and the Town has it as its policy. Mr. Thielman suggested finding the Town's language and modeling it for the APS. We will also want to review the personnel bylaws in the employee's handbook. The suggestion was to have counsel review and recommend changes to bring our FMLA related policies up to date.

A discussion regarding remote participation at meetings. We will check with the Board of Selectmen to see if they authorized it and check with MASC.

Motion to adjourn by Mr. Thielman, seconded by Mr. Schlichtman, passed unanimously at 8:30pm.



Town of Arlington, Massachusetts

Review and Update the following Policies:

Summary:

- JJC Student Conduct
- JK Student Discipline
- Family and Medical Leave
- Parental Leave

ATTACHMENTS:

| Type | Description |
|---|----------------------------------|
| <input type="checkbox"/> Reference Material | JK Discipline |
| <input type="checkbox"/> Reference Material | JJC |
| <input type="checkbox"/> Policy | FMLA MPLA Arlington |
| <input type="checkbox"/> Policy | Arlington Schools Parental Leave |

STUDENT DISCIPLINE

The Massachusetts General Laws require the School Committee to adopt written policies, rules and regulations not inconsistent with law, which may relate to study, discipline, conduct, safety and welfare of all students, or any classification thereof, enrolled in the public schools of the District.

The implementation of the general rules of conduct is the responsibility of the Principal and the professional staff of the building. In order to do this, each school staff in the District shall develop specific rules, not inconsistent with the law nor in conflict with District policy. These building rules shall be an extension of the District policies by being more specific as they relate to the individual schools.

The purpose of disciplinary action is to restore acceptable behavior. When disciplinary action is necessary, it shall be administered with fairness and shall relate to the individual needs and the individual circumstances.

Students violating any of the policies on student conduct and control will be subject to disciplinary action. The degree, frequency, and circumstances surrounding each incident shall determine the method used in enforcing these policies. Most of the situations which require disciplinary action can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians.

If a situation should arise in which there is no applicable written policy, the staff member shall be expected to exercise reasonable and professional judgment.

LEGAL REFS.: M.G.L. Chapter 71, S. 37H and 37L;
M.G.L. Chapter 76, S. 16 and 17;
Chapter 380 of the Acts of 1993 and Chapter 766 Regulations, S. 338.0 also
Mass. Dept. Of Education, Advisory Opinion on Student Discipline, January 27,
1994

CROSS REF: JIC, Student Conduct

Revised: **February 28, 2006**

STUDENT CONDUCT

Good citizenship in schools is based on respect and consideration for the rights of others.

Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be required to respect constituted authority, to conform to school rules and to those provisions of law that apply to their conduct.

Any of the following actions may subject a student to expulsion by the Principal under the terms of M.G.L. 71:37H:

1. Any student found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon or a controlled substance.
2. Any student who assaults a Principal, assistant Principal, teacher, teacher's aide or other educational staff member on school premises or at school-sponsored or school-related event including athletic games.

Any of the following actions will subject a student to suspension, expulsion, subject to School Committee action, or other disciplinary measures:

1. Intentionally causing or attempting to cause damage to school property; or stealing or attempting to steal school property.
2. Intentionally causing or attempting to cause damage to private property; stealing or attempting to steal private property.
3. Intentionally causing or attempting to cause physical injury to another person except in self-defense.
4. Using or copying the academic work of another and presenting it as his/her own without proper attribution.
5. Repeatedly and intentionally defying the valid authority of supervisors, teachers, or administrators.

The above prohibited actions will be printed in a handbook or other publication and made available to students and parent/guardians.

School building administrators will not suspend a student, or recommend a student for suspension or expulsion, unless the student has engaged in one of the prohibited actions mentioned above while on school property or taking part in a school activity off school grounds.

LEGAL REF: M.G.L. 71:37H

CROSS REF: JK, Student Discipline

Revised: February 28, 2006

FAMILY AND MEDICAL LEAVE

A. Leave without Pay

1. Eligible employees may take leave without pay to cover any of the following events, subject to the terms and conditions contained in this policy. Eligible employees may take up to twelve workweeks of leave without pay in a 12-month period for the following reasons:

- a. their own serious health condition that causes the employee to be unable to perform the essential functions of their position;
- b. the serious health condition of a spouse, child, or parent;
- c. the birth or adoption of a child (parental leave); or
- d. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty".

Eligible employees may take up to twenty-six work weeks of leave without pay in a single 12-month period for the following reason: to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

2. The eligible employee's immediate supervisor may authorize leave without pay under this policy for up to two (2) days per year. Only the Superintendent or Designee may approve leave without pay beyond two (2) days per year. An employee requesting leave without pay for more than two (2) days must make the request in writing to the Superintendent or Designee.

3. An employee will only be considered eligible for unpaid leave under this policy if:

- a. that employee has been employed by the School Committee for at least twelve (12) months; and
- b. that employee has worked at least 1250 hours for the School Committee in the previous 12 month period.

4. Extent of leave:

- a. An eligible employee may take up to twelve weeks of leave total (or up to twenty-six weeks of leave total for military caregiver leave described above) during a twelve month period, including any paid leave used. Paid leave shall run concurrent with unpaid leave for the purpose of this policy.
- b. In any case where both husband and wife work for the School Committee, parental leave, military related leave, and family medical leave to care for a sick parent are limited to twelve work weeks total for the husband and wife together (or twenty-six work weeks total in

the case of military caregiver leave). Except as otherwise provided, the husband and wife may divide the twelve (or twenty-six in the case of military caregiver leave) work weeks of leave in any way they may agree to.

5. Definitions:

- a. "Child" means a son or daughter, whether biological adopted, or foster child, or a stepchild, legal ward or child to whom the employee stands in loco parentis, if the child is either under the age of eighteen (18) years or is incapable of self-care because of a mental or physical disability.
- b. "Eligible employee" is an employee who has been employed for at least twelve (12) months by the School Committee and who has worked at least 1250 hours in the previous twelve (12) month period. The terms "eligible employee" and "employee" are used interchangeably in this policy.
- c. "Health care provider": means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state where the doctor practices, or any person determined by the Secretary of Labor to be capable of providing health care services.
- d. "Intermittent Leave" means leave taken in whole day periods but less than a whole workweek.
- e. "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
- f. "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee. Except for teachers, no employee exempt from the overtime rules of the Fair Labor and Standards Act may take leave on a reduced leave schedule without the permission of the Superintendent or Designee.
- g. "Serious health condition" means an illness, injury, impairment, or physical or mental condition which involves—
 - (1) inpatient care in a hospital, hospice, or residential medical care facility, or
 - (2) continuing treatment by a health care provider.
- h. "Spouse" means a husband or wife.
- i. "Twelve Month Period" means the school system's fiscal year.

B. Types of Leave without Pay

- 1. Personal Medical Leave without Pay: The Superintendent or Designee may grant

a medical leave of absence without pay to an employee who, because of a serious health condition is unable to perform the functions of his or her job.

- a. Sick leave, and all other available paid leave, shall run concurrently with leave permitted under this policy. An employee must exhaust all available sick leave and other available paid leave, before taking leave without pay.
- b. The Superintendent or Designee may require written certification of the employee's medical condition from the employee's health care provider, stating--
 - i. the date on which the health condition began;
 - ii. the probable duration of the condition;
 - iii. the appropriate medical facts within the health care provider's knowledge regarding the condition; and
 - iv. a statement that the employee is unable to perform the functions of his/her job.
- c. If the Superintendent or Designee has reason to doubt the validity of the health provider's certification, he or she may require, at the School Committee's expense, a second opinion. The employee must obtain the opinion of the District's designated health care provider concerning the information in b., above. The health care provider shall provide a report concerning information in b., above. The health care provider giving the second opinion may not be a person regularly employed by the School Committee.
- d. If the second opinion conflicts with the first, the Superintendent or Designee may require, at the School Committee's expense, a third opinion. The employee must obtain the opinion of the District's designated health care provider concerning the information in b., above. The health care provider shall provide a report concerning information in b., above. The provider's opinion shall be final and binding on the School Committee and the employee.
- e. The Superintendent or Designee may require an employee on medical leave without pay to provide updated written certifications of the employee's medical condition from the employee's health care provider at reasonable intervals.
- f. If the necessity for leave is foreseeable based on planned medical treatment, the employee—
 - (1) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the School System, subject to the approval of the employee's health care provider; and

(2) shall give the employee's supervisor at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take personal medical leave without pay, except that if the date of treatment requires the leave to begin in less than thirty days, the employee shall provide such notice as practicable.

g. Failure to provide notice as mandated above shall result in the denial of leave until the required notice period has passed.

h. The employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary. The Superintendent or Designee may require medical necessity to be certified by the health care provider for the employee before such use is approved.

i. Before the employee may resume work, the employee must present his or her supervisor with written notice from the employee's health care provider that the employee is able to resume work.

2. Family Medical Leave without Pay: The Superintendent or Designee may grant a medical leave of absence without pay to an employee who needs the time off to care for the employee's spouse, child or parent, if the spouse, child or parent has a serious health condition.

a. The Superintendent or Designee may require written certification from the health care provider for the spouse, child, or parent, as the case may be, stating—

i. the date on which the health condition began;

ii. the probable duration of the condition;

iii. the appropriate medical facts within the health care provider's knowledge regarding the condition; and

iv. a statement that the employee is needed to care for the spouse, child, or parent, as the case may be, and an estimate of the amount of time that such employee is needed to care for the spouse, child, or parent.

b. If the Superintendent or Designee has reason to doubt the validity of the certification provided by the health care provider, he or she may require, at the School Committee's expense, a second opinion. The employee and the covered family member must obtain the opinion of the District's designated health care provider concerning the information in a., above. The health care provider shall provide a report concerning information in a., above. The health care provider giving the second opinion may not be a person regularly employed by the School Committee.

c. If the second opinion conflicts with the first, the Superintendent or Designee may require, at the School Committee's expense, a third opinion. The employee and the covered family member must obtain the opinion of the District's designated health care provider concerning the information in a., above. The health care provider shall provide a report concerning information in a., above. The provider's opinion

shall be final and binding on the School Committee and the employee.

- d. The Superintendent or Designee may require an employee on family medical leave without pay to provide updated written notifications from the health care provider for the spouse, child, or parent, as the case may be, at reasonable intervals.
- e. If the necessity for leave is foreseeable based on planned medical treatment, the employee--
 - (1) Shall make a reasonable effort to schedule the treatments to as not to disrupt unduly the operations of the School System, subject to the approval of the health care provider for the spouse, child, or parent of the employee, as the case may be; and
 - (2) Shall give the employee's supervisor at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take family medical leave without pay, except that if the date of the treatment requires the leave to begin in less than 30 days, the employee shall provide such notice as practicable.
- f. Failure to provide notice as mandated above shall result in the denial of leave until the required notice period has passed.
- g. The employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary for the adequate care of the spouse, child, or parent. The Superintendent or Designee may require medical necessity to be certified by the health care provider for the spouse, child, or parent before such use is approved.

- 3. **Parental Leave without Pay:** Parental leave is governed by both the FMLA and Massachusetts General Laws (M.G.L.) c. 149 § 105D ("Parental Leave Act"). Please see the Arlington Public Schools' Parental Leave Policy (_____ for information regarding parental leave. The Parental Leave Policy is incorporated by reference in to this Family and Medical Leave Policy. Please note that the Special Rules below may apply to parental leave.

4. Leaves related to Military Service

a. *Qualifying Exigency Leave*

An eligible employee may take up to twelve workweeks of leave in a 12-month period for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty." An eligible employee seeking leave under this section shall be required to submit an appropriate certification regarding the covered military member's status and relationship to the employee, including a copy of the military member's active duty orders, as well as a written statement providing the appropriate facts related to the particular qualifying exigency for which leave is sought.

Qualifying exigencies may arise when the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. "Qualifying exigencies" are defined by the U.S. Department of Labor and are described at <http://www.dol.gov/whd/regs/compliance/whdfs28mc.pdf>.

b. *Military Caregiver Leave*

Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to provide care for the servicemember.

A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that is incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty.

See <http://www.dol.gov/whd/regs/compliance/whdfs28ma.pdf>

Any request for leave under this section must be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered servicemember's family.

C. Special Rules

1. Rules Applicable to Instructors in Periods Near the Conclusion of the Academic Term. The following rules apply to any employee who takes leave without pay under this policy and who is employed principally in an instructional capacity.
 - a. If leave without pay begins more than five weeks before the end of an academic term, the Principal may require the employee to continue taking leave until the end of that academic term, if--
 - (1) the leave is of at least three weeks duration; and
 - (2) the employee would return to work during the three-week period before the end of the academic term.
 - b. If Parental or Family Medical leave without pay begins within five weeks before the end of an academic term, the Principal may require the employee to continue taking leave until the end of that term, if--
 - (1) the leave is of more than two weeks duration; and
 - (2) the employee would return to work during the two-week period

before the end of the academic term.

- c. If Parental or Family Medical leave without pay begins within three weeks before the end of an academic term the Principal may require the employee to continue taking leave until the end of that term, if the leave is for more than five working days.
- d. Extended leave under this section will be counted against the teacher's FMLA allotment. If the teacher's FMLA allotment expires during the extension the additional time is nevertheless deemed FMLA leave.

2. Intermittent Leave and Reduced Leave Schedules:

- a. If the intermittent leave or reduced leave schedule is foreseeable based on planned medical treatment, the Superintendent or Designee may require the employee to transfer temporarily to an available alternate position--
 - (1) which is offered by the Superintendent or Designee;
 - (2) for which the employee is qualified;
 - (3) which has equivalent pay and benefits; and
 - (4) which, in the sole judgment of the Superintendent or Designee, better accommodates recurring periods of leave than the regular employment position of the employee.
- b. If a teacher does not give the Superintendent or Designee the required 30 days' notice for intermittent leave or a reduced leave schedule which is foreseeable, he or she must delay the taking of leave until the notice provision is met.
- c. If a teacher takes intermittent leave or a reduced leave schedule which is for more than 20% of the normal working days over the period of the leave, that teacher must instead take the entire period as FMLA leave.

3. Benefits during Leave:

- a. While the employee is on leave, the School System shall maintain coverage of that employee under its group health plan at the level and under the conditions which would have been provided if the employee had continued in employment instead of being on leave.
- b. If the employee normally had a monthly payment associated with that plan, the employee must continue to make those monthly payments during the term of the employee's leave. If the employee fails to make such payments, the School System shall, if possible, continue the benefits at the reduced rate permitted for the School System's payment alone. If such a reduced rate is not possible, then the employee shall be excluded from the group health plan.

4. Employment and Benefits upon Return to Work:

- a. Any employee who takes leave under this Policy for the intended purpose of the leave shall be entitled, on return from leave--
 - (1) to be restored to his or her former job; or
 - (2) to be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- b. The taking of leave under this policy shall not result in the loss of any employment benefit accrued before the date on which the leave began.
- c. No employee shall accrue seniority or employment benefits during any period of leave, nor shall the employee be entitled to any right, benefit, or position of employment other than those to which the employee would have been entitled if the employee had not taken the leave.
- d. This policy does not change the legal requirement that probationary teachers teach at least 160 contractual teaching days during the school year in order to count the year toward the three years of service needed to attain continuing contract status.
- e. The Superintendent or Designee may deny restoration to salaried employees who are among the highest paid ten percent of the School System's employees, if:
 - (1) such denial is necessary to prevent substantial and grievous economic injury to the operations of the School System;
 - (2) the Superintendent or Designee notifies the employee of the intent of the School System to deny restoration on the basis of economic injury at the time the Superintendent or Designee determines that such injury would occur; and
 - (3) if the leave has begun, the employee does not return to work after receiving the notice of intent not to restore him or her.

5. Failure to Return from Leave: The School System may recover the premium which it paid for maintaining coverage of the employee under its group health plan during the employee's unpaid leave under this policy if--

- a. the employee fails to return from unpaid leave under this policy after the period of leave to which the employee is entitled has expired; and
- b. the employee fails to return to work for a reason other than--
 - (1) the continuance, recurrence, or onset of a serious health condition which would entitle the employee to personal or family medical leave without pay;
 - (2) the occurrence of another qualifying exigency or qualifying injury (in the case of military caregiver leave) which would entitle the employee to a military related leave; and

(3) other circumstances beyond the control of the employee.

6. Prohibited Acts:

- a. No employee of the School System shall interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this title.
- b. No employee of the School System shall discriminate against any individual for opposing any practice contrary to this policy.
- c. No employee of the School System shall discriminate against any individual for:
 - (1) filing any charge, instituting or causing to be instituted any proceeding, under or related to this policy;
 - (2) giving, or being about to give, any information in connection with any inquiry or proceeding relating to any right provided under this policy; or
 - (3) testifying, or being about to testify, in any inquiry or proceeding relating to any right provided under this policy.

LEGAL REFS.:

P.L. 103-3 "Family and Medical Leave Act of 1993,"
29 U.S.C. section 2601, et seq.
Department of Labor Regulations, 29 C.F.R. Part 825

PARENTAL LEAVE

EFFECTIVE _____, 2015

Parental Leave Policy

Effective April 7, 2015, this policy replaces the Arlington Public Schools' (the "District") Maternity/Paternity Leave Policy.

Employees may be eligible for leave pursuant to the federal Family Medical Leave Act ("FMLA") and/or leave pursuant to Massachusetts General Laws, chapter 149 section 105D referred to as the Massachusetts Parental Leave Act ("MPLA") for the birth of a child and for the adoption, foster care, or placement of a child with the employee. Employees may be required to furnish the District with appropriate supporting documentation and prior notice.

It is the intent of the District that this policy conforms to the requirements of the FMLA and MPLA. If there are any omissions or conflicts between this policy and the MPLA or the FMLA, the provisions of the MPLA and FMLA shall be controlling. If the terms of this policy conflict with the terms of an applicable collective bargaining agreement ("CBA"), the terms in the applicable CBA shall be controlling provided that they do not diminish any rights or benefits provided by the FMLA and MPLA.

As is the case with other employees, a pregnant employee must be able to perform the essential functions of her position to continue working in a full-duty status.

Massachusetts Parental Leave Act (MPLA)

I. Purpose for Leave

The MPLA entitles an eligible employee to take up to eight (8) weeks leave without pay each time any one of the following occurs:

- A. The birth of the employee's child; or
- B. The adoption by the employee of a child under 18 years of age; or
- C. The adoption by the employee of a child under 23 years of age if the child is mentally or physically disabled; or
- D. The placement of a child with an employee pursuant to a court order.

The District requires employees on MPLA to use accrued paid leave to the extent permitted by the MPLA and any applicable CBA.

II. Coverage and Eligibility

To be eligible for MPLA, a female or male employee must have been employed by the District for at least three consecutive months on a full-time basis. An employee who has

twins, triplets, or other multiple births shall be entitled to a total of eight (8) weeks of leave for the births as the leave for each baby in a multiple birth situation runs concurrently with the leave for the other baby or babies. Where both parents are employees of the District, the employees shall only be entitled to eight (8) weeks of parental leave in the aggregate for the birth, adoption, or placement of the same child.

Family Medical Leave Act (FMLA)

I. Purpose for Leave

The FMLA provides eligible employees with up to twelve (12) weeks of unpaid leave for the:

- A. Birth of the employee's child and to care for the newborn child.
- B. Placement with the employee of a child under the age of 18 (or over the age of 18 if the child is physically or mentally incapable for self-care) for adoption or foster care and to care for such newly placed child.

The District requires employees on FMLA leave to use accrued paid leave to the extent permitted by the FMLA and any applicable CBA. (*See the District's FMLA policy for additional information regarding FMLA leave.*)

II. Coverage and Eligibility

To be eligible for FMLA leave the employee must have worked for the District for at least twelve (12) months and have worked at least 1,250 hours during the previous 12-month period. When both parents are employees of the District, the employees shall only be entitled to twelve (12) weeks of FMLA leave in the aggregate for the birth, adoption, or placement of a child.

Employees are referred to the District's FMLA policy for information regarding eligibility, notice requirements, and other important information about FMLA leave. When an employee is eligible for both FMLA and MPLA leave, the leaves shall run concurrently.

Notice Requirements for Leave

The employee is required to provide the District with thirty (30) days' prior notice of the employee's need for FMLA leave and the date of the employee's anticipated departure if the leave is foreseeable. While the District requests that the employee provide thirty (30) days' prior notice of the employee's anticipated date of departure, for MPLA leave an employee is required to provide two weeks' written notice in the event of a foreseeable MPLA leave. If there is a delay in providing notice for MPLA leave beyond the

employee's control, the employee must provide notice as soon as practicable. The employee should include in this notice the employee's anticipated date of departure, a statement that the employee intends to return to the employee's position, and the anticipated date that the employee will be returning to her/his position.

Job Protection and Benefits

Job Protection: Provided that the employee returns to work at the conclusion of her/his MPLA leave or FMLA leave, the District will restore the employee to her/his previous or similar position except when other employees with equal length of service and status in the same or a similar position have been laid off due to economic conditions or other changes in operating conditions.

Health Insurance: During this period of leave, health insurance coverage will continue in accordance with state and federal law. The employee remains responsible for her/his portion of the premiums during any leave under the MPLA or FMLA. Questions regarding health insurance during MMLA, FMLA leave, or any unpaid leave should be directed to Robert Spiegel Human Resources Officer.

Other Benefits: Other benefits will resume as of the date the employee returns to full-time employment. This leave will not affect the employee's rights to receive vacation time, sick time, or other benefits for which the employee was eligible at the date of her/his departure but the employee shall not receive serviceable time toward the accrual of benefits requiring time on the job or a period of employment seniority for any period of unpaid leave.

Use of Paid Leave Time

To the extent permitted by the FMLA and MPLA and except as provided otherwise in an applicable CBA, an eligible employee shall use all applicable accrued paid leave time during all or part of the employee's MPLA leave or FMLA leave for the birth or adoption/placement of a child. Nothing in this section shall limit an employee's right to take FMLA leave for the birth/adoption/foster care placement of a child within the first year and not necessarily commencing with the date of such birth/adoption/foster care placement.

Birth Mother: The birth mother who is eligible for MPLA shall be entitled to use eight (8) weeks of accrued paid sick leave during periods of disability caused or contributed to by the delivery and recovery from delivery. Use of sick leave beyond the eight weeks from delivery shall require physician documentation that the birth mother is disabled from working. Except as provided otherwise by an applicable CBA, if the birth mother has insufficient accrued paid sick leave to cover her eight (8) weeks of MPLA leave, she shall be required to use her accrued vacation and personal leave before being placed on

an unpaid leave status. If the birth mother is also eligible for FMLA leave, the birth mother shall be required to use her accrued vacation or personal leave and will be placed on unpaid leave status after she has exhausted her accrued paid sick leave. Nothing in this section shall require a birth mother to take the full eight (8) weeks of MPLA or the full twelve (12) weeks of FMLA.

Forms to Request FMLA and/or MPLA

Forms to request parental leave pursuant to the MPLA and/or FMLA are available in the District's Human Resources Office. Questions about parental leave should be directed to Robert Spiegel, Human Resources Officer.

Special Rules

Please refer to the District's FMLA Policy ("Special Rules" section) for rules applicable to instructors in periods near the conclusion of an academic term and other rules applicable to Parental Leave.